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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,223	09/30/2003	Michael P. Boutillette	BSME120587	9880
26389	7590	10/20/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			NGUYEN, HUONG Q	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			3736	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,223	Applicant(s) BOUTILLETTE ET AL.	
	Examiner Helen Nguyen	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the amendment filed 7/21/2006. The oath is considered accepted. Amendments to the specification and drawings are accepted, thus overcoming the previous objections. Claims 1 and 10 are amended. Claims 13-19 are withdrawn. Claim 20 is new. Claims 1-12 and 20 remain pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4, 10-12, and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Hedger (US Pat No. 4057186).

4. In regards to **Claim 1**, Hedger discloses a device for applying torque to a wire, comprising:

a body portion (10) having a channel, referred to as "bore" (15), with an opening that extends along the length of the body portion, wherein the channel itself is an opening, best seen in Figure 4, and a first engagement surface, referred to as "tongue" (19), within the channel (Col.2, line 1-28), shown in Figures 6-7;

a slider, referred to as "slider" (16), that is longitudinally slideable within the channel of the body portion so that the channel in the body portion remains open best seen in Figures 4 and

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7, the slider having a second engagement surface, referred to as "under-surface of the slider" (16), that compresses a wire that is inserted in the channel against the first engagement surface (19) so that rotation of the body portion applies torque to the wire (Col.2, line 43-46).

5. In regards to **Claim 2**, Hedger discloses the first engagement surface as a tongue (19) that is suspended in the channel of the body portion as connected to said slider (16), best seen in Figure 7 (Col.2, line 12-15).

6. In regards to **Claim 3**, Hedger discloses the slider (16) with a channel, referred to as "hole" (20) (Col.2, line 12-15), with an open end and a closed end, wherein said open end is defined as the connection point on the left between said slider and said tongue (19) at the point of said slider channel (20) (Figure 7 left side), and said closed end is defined as the right portion of the slider (16) and tongue (19) interface (Figure 7 right side), the under surfaces of said open and closed ends forming the second engagement surface or "under-surface of the slider" (Col.2, line 25), the channel in the slider receiving the wire so that movement of the slider in the channel compresses the closed end of the channel toward the first engagement surface of the tongue (19) (Col.2, line 23-28, 43-46).

7. In regards to **Claim 10**, Hedger discloses a wiring device comprising:

a body (10) having an open channel, referred to as "bore" (15), extending along the length thereof in which a wire can be fitted (Col.2, line 1-2, 22-23), wherein the channel itself is open, best seen in Figures 7a-c;

a slider (16) that is movable longitudinally within the body that includes an engagement surface, shown in Figures 7a-c as "the under-surface of the slider," that secures the wire, wherein

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the wire can be secured in the body without removing the slider from the body (Col.2, line 23-28, 43-46).

8. In regards to **Claim 11**, Hedger discloses the slider including a channel, referred to as "hole" (20), in which the wire can be fitted and the channel in the body has a tongue (19) that cooperates with the channel on the slider to secure the wire, best seen in Figures 7a-c (Col.2, line 12-15, 24-28, 43-46).

9. In regards to **Claim 12**, Hedger discloses the slider including an engagement surface, depicted in Figures 7a-c as the bottom surface of said tongue (19) that can be selectively engaged with a fixed surface in the channel of the body, depicted in Figures 7a-c as the bottom of said body (10), to secure the wire (Col.2, line 23-28, 43-46).

10. **Claims 1-2, 7-8** are also rejected under 35 U.S.C. 102(e) as being anticipated by Sherts et al (US Pat No. 6533772).

11. In regards to **Claim 1**, Sherts et al disclose a device for applying torque to a wire, comprising:

a body portion (100a) having a channel, referred to as "bore" (100b), with an opening that extends along the length of the body portion, wherein the channel itself is an opening, best seen in Figure 12b-c, and a first engagement surface, referred to as "'clamp pad" (104), within the channel (Col.10, line 4-10), shown in Figures 12b-c;

a slider, referred to as "slide button" (106), that is longitudinally slideable within the channel of the body portion so that the channel in the body portion remains open best seen in Figures 12b-c, the slider having a second engagement surface, referred to as "angled cam

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surface" (106a), that compresses a wire that is inserted in the channel against the first engagement surface so that rotation of the body portion applies torque to the wire (Col.10, line 10-15).

12. In regards to **Claim 2**, Sherts et al disclose the first engagement surface as a tongue, referred to as "clamp pad" (104) that is suspended in the channel of the body portion as seen in Figures 12b-c.

13. In regards to **Claim 7**, Sherts et al disclose the first engagement surface comprises a wedge in the channel of the body portion and the second engagement surface is a wedge on the slider, shown in Figures 12b-c.

14. In regards to **Claim 8**, Sherts et al disclose one or both engagement surfaces have a grip enhancing mechanism, wherein said grip enhancing mechanism is defined as the gripping that occurs as said first engagement surface (104) and said second engagement surface (106a) move perpendicularly by depression of said slider (106) to grip a wire (Col.10, line 10-15).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 4, 7, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedger in view of Sherts et al.

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17. In regards to **Claims 4 and 7**, Hedger discloses a closed end of the slider (16) or second engagement surface as described above and a tongue (19) or second engagement surface but do not disclose both with angled cooperating surfaces or as wedges. Sherts et al disclose a guidewire torquing device with a first engagement surface or wedge tongue, referred to as "clamp pad" (104) and a second engagement surface or wedge, referred to as "angled cam surface" (106a), used to effectively secure a wire (Col.10, line 4-15), best seen in Figures 12b-c. Although Sherts et al only disclose the second engagement surface as a wedge with an angled surface, it would have been obvious to modify the first engagement of Sherts et al to also have an angled surface to effectively cooperate with said first engagement surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above mentioned components of Hedger such that each has angled cooperating surfaces or wedges, as taught by Sherts et al and modified as explained above, to enable a more secure hold during use of the device for gripping wire.

18. In regards to **Claim 20**, Hedger discloses a slider (16) with an engagement surface that is moveable to pinch a wire in the open channel against a tongue (19) but do not disclose said tongue as a wedge. Sherts et al disclose a guide wire torquing device comprising a wedge, referred to as "clamp pad" (104), used to effectively clamp a wire in an open channel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tongue of Hedger to have a wedge shape to more effectively clamp the wire, as taught by Sherts et al. This is also explained in the rejection of Claims 4 and 7 above.

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19. **Claims 5-6 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al in view of Greive (US Pat No. 6059484).

20. In regards to **Claims 5-6**, Hedger discloses the torque device described above but does not disclose the body portion with a grip enhancing mechanism in the form of ridges. Greive discloses gripping ridges (22) on the body portion, referred to as "central piece" (7), of a guide wire introducer assembly to facilitate gripping of the device by a user's hand (Col.8, line 12), shown in Figure 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made include such ridges, as taught by Greive, as a grip enhancing mechanism for the guide wire torquer of Hedger, as an effective way to enable gripping of the device for proper and safe usage.

21. In regards to **Claim 9**, Hedger discloses a guide wire torquer device but does not disclose said device further comprising a clip into which coils of the wire can be secured. Greive discloses clips (18) used to hold a guide wire tubes in a coiled arrangement (Col.9, line 42-46), best seen in Figure 8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made incorporate such clips, as taught by Greive, with the guide wire torquer device of Hedger, to hold excess guide wire in a coiled arrangement to maintain convenience during use (Col.1, line 20-33 of Greive).

Response to Arguments

22. Applicant's arguments filed 7/21/2006 have been fully considered but they are not persuasive. Applicant contends that Hedger lacks an open channel. Examiner notes that the existence of a channel, which is inherently open, thus constitutes an "open channel." Applicant also contends that Sherts et al do not disclose a channel with an opening that extends along the length thereof. Examiner once again notes that Sherts et al disclose a channel that extends along the length thereof, wherein said channel itself has an opening thus extending along the length thereof, best seen in Figures 12b-c.

23. Applicant's arguments filed 7/21/2006, with respect to Wilson et al have been fully considered and are persuasive. The rejection of Claims 1-5 under Wilson et al has been withdrawn.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen Nguyen whose telephone number is 571-272-8340. The examiner can normally be reached on Monday - Friday, 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HQN
10/16/2006

gen

M. F. Hindenburg

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ART UNIT 3736